HON'BLE SHRI G.S.SINGHVI, THE CHIEF JUSTICE
AND
HON'BLE SHRI JUSTICE C.V.NAGARJUNA REDDY

WRIT APPEAL NO.903 OF 2006

Between:

The Tenali P&T Employees
Mutually Aided Cooperative
Thrift and Credit Society Limited
. . .Appellant

AND

Kareti Chandra Sekhara Prasad and others
. . .Respondents

Counsel for the Appellant : Smt. N.Shoba

Counsel for the Respondent Nos.1&2 : Shri V.Venkateshwar Rao

Counsel for the Respondent Nos.3&4 : Government Pleader for Cooperation

Dated: 18th September, 2006

: JUDGMENT :

PER G.S.SINGHVI, CJ

This appeal is directed against order dated 08.06.2006 passed by the learned Single Judge in Writ Petition No.16060 of 2005.

In the writ petition filed by them, respondent Nos.1 and 2 had questioned the proposed amendment in bye-law No.8(1)(a)(b) and (c) of the Tenali P & T Employees Mutually Aided Cooperative Thrift and Credit Society Limited. They pleaded that the proposed amendment of the bye-laws is intended to help the present Board of Directors and that the same is contrary to the interest of the members of the Society.

In the counter-affidavit filed by Shri K.Uma Maheswara Rao, President of non-petitioner No.1 (appellant herein), it was pleaded that the proposed amendment is in public interest and the writ petitioners are entitled to avail alternative remedy.

The learned Single Judge took cognizance of the proposed amendment and disposed of the writ petition in the following terms:

> "In the above circumstances, the petitioners are directed to file a representation before the concerned Registrar of the Cooperative Societies and the said Registrar is directed to consider the representation before approving the bye-laws of the society amended on 24.07.2005. However, if the bye-laws are already approved, the representation of the petitioners shall be entertained and after hearing all the parties and the Registrar shall take an appropriate decision in this regard and pass orders."

We have heard learned counsel for the parties and perused the

record. In our opinion, the order under challenge is liable to be set aside because it suffers from an apparent inconsistency. The direction given by the learned Single Judge to the Registrar of
Co-operative Societies is to consider the representation made by the petitioners as a condition precedent to the approval of bye-laws of the Society. At the same time, it has been directed that if the bye-laws have already been approved, then the representation of the petitioners shall be entertained. In our view, if the bye-laws have already been approved, the Registrar cannot consider the objections filed by the petitioners against the proposed amendment.

At this stage, learned counsel for respondent Nos.1 and 2 fairly stated that the matter may be remanded to the Single Bench for fresh adjudication of the writ petition.

In view of the above, the appeal is allowed. The order under challenge is set aside with the direction that the writ petition be listed before the Single Bench for fresh adjudication.

G.S.SINGHVI, CJ

C.V.NAGARJUNA REDDY, J

Date: 18.09.2006

Kvni/bsc